

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 72, Revised Statutes, is amended by adding Article 4591.1 to read as follows:

"Article 4591.1. TEXAS SESQUICENTENNIAL DAY

"Section 1. DEFINITION. *In this article, 'state agency' means:*

"(1) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section 61.003 of the Education Code, but not including a special-purpose district or authority;

"(2) the legislature or a legislative agency; or

"(3) the supreme court, the court of criminal appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.

"Section 2. DECLARATION OF HOLIDAY. *April 21, 1986 (San Jacinto Day), is declared to be Texas Sesquicentennial Day in commemoration of the 150th anniversary of the state's birth as an independent republic.*

"Section 3. OFFICES AND CLASSROOMS CLOSED; EMPLOYEE TIME OFF. *(a) The governing body or officer of a state agency or a public school district shall close the offices and classrooms of the state agency or school district on Texas Sesquicentennial Day.*

"(b) Each officer and employee of the state agency or public school district is entitled to a day off with pay on the holiday.

"Section 4. EXCEPTION. *(a) If the governing body or officer of a state agency or public school district determines that the nature of an officer's or employee's work makes it imperative that the work be performed on the holiday, the governing body or officer may require the officer or employee to work on the holiday.*

"(b) If the governing body or officer requires an officer or employee to work on the holiday, the governing body or officer shall determine the extent to which the state agency's or school district's offices or classrooms are to be opened on the holiday.

"Section 5. COMPENSATORY TIME. *If an officer or employee of a state agency or public school district is required to work on the holiday and if the officer or employee does work on that day, the officer or employee is entitled to compensatory time off with pay before April 21, 1987. The governing body or officer of the state agency or school district shall establish the procedure by which the officer or employee takes the compensatory time off.*

"Section 6. EXPIRATION. *This article expires on April 21, 1987."*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on January 30, 1985, by the following vote: Yeas 30, Nays 0; passed the House on May 16, 1985, by a non-record vote.

Approved: May 24, 1985

Effective: August 26, 1985

CHAPTER 138

S.B. No. 164

An Act relating to the operation of lawyer referral services; providing enforcement procedures; adding Article 320d to Title 14, Revised Statutes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 14, Revised Statutes, is amended by adding Article 320d to read as follows:

"Article 320d. LAWYER REFERRAL SERVICES. *(a) An individual, firm, corporation, organization, or any other entity may not operate as a lawyer referral service in this state, or use the term 'referral service' or similar terms, if the purpose of the individual, firm, corporation, organization, or entity is to refer potential clients to attorneys unless:*

"(1) the referral service is offered primarily for the benefit of the public;

"(2) the referral service is operated by a governmental entity or a nonprofit organization or entity exempt from federal taxation under Section 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code of 1954;

"(3) the combined charges to the potential client by the referral service and the attorney to whom the potential client is referred do not exceed \$20 for the first 30 minutes of the initial office visit with the participating attorney;

"(4) the organization or entity providing referral services is the type that a lawyer may cooperate with under the Code of Professional Responsibility (Section 9, Article X, Rules Governing the State Bar of Texas); and

"(5) all attorneys licensed by this state and maintaining an office within the geographical area of the population of potential clients served by the referral service are eligible to participate in the referral service and to receive the referral of potential clients if they comply with reasonable participation requirements.

"(b) This article does not apply to any bona fide organization that:

"(1) recommends, furnishes, or pays for legal services to its members or beneficiaries; and

"(2) satisfies the conditions of DR 2-103(E)(5) of the Code of Professional Responsibility (Section 9, Article X, Rules Governing the State Bar of Texas).

"(c) This article does not apply to a lawyer who refers a potential client to another lawyer or law firm and receives a forwarding fee in conformity with DR 2-107 of the Code of Professional Responsibility (Section 9, Article X, Rules Governing the State Bar of Texas).

"(d) A lawyer referral service and any participating attorney accepting referrals from the referral service must comply with any representation made to the public by the referral service concerning a free or fixed limited-fee initial consultation period between a referred potential client and a participating attorney if:

"(1) the potential client qualifies under the conditions for the free or limited-fee consultation period; and

"(2) the participating attorney has consented in writing to accept referral of potential clients from the referral service for free or for a fixed limited fee.

"(e) An agreement between a referral service and a participating attorney to eliminate or restrict the attorney's fee for the first 30 minutes of the initial consultation period for each potential client is in the public interest and does not violate the Texas Free Enterprise and Antitrust Act of 1983 (Section 15.01 et seq., Business & Commerce Code).

"(f) A violation or threatened violation of this article may be enjoined by any person on proof that a violation has occurred or is about to occur."

SECTION 2. The legislature finds that many of the citizens of the state who are potential consumers of legal services often find it difficult to locate attorneys willing to consult with them for a nominal fee. The legislature further finds that lawyer referral services supply this need but that because a potential for abuse exists, referral services must be regulated in order to ensure that those services exist for the true benefit of the public.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 19, 1985, by a viva-voce vote; passed the House on May 9, 1985, by a non-record vote.

Approved: May 24, 1985

Effective: August 26, 1985

CHAPTER 139

S.B. No. 228

An Act relating to the regulation of certain carriers of currency, coin, securities, and certain other items; amending Chapter 314, Acts of the 41st Legislature Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes), by adding Section 6-dd.